

REMARKS / ARGUMENTS

The present application includes pending claims 1-41, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 3-4, 6-8, 10-12, 15-17, 21-23, 25-26, 28-30, 32-35, and 39-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0029619, issued to Liang, et al. (hereinafter, Liang). Claims 2, 13, 14, 19, 20, 24, 36 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang, in view of U.S. Patent No. 6,978,121, issued to Lane, et al. (hereinafter, Lane). Claims 5 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang. Claims 9 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang, in view of U.S. Patent Publication No. 2004/0009751, issued to Michaelis, et al. (hereinafter, Michaelis). Claims 18 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang, in view of U.S. Patent No. 7,003,285, issued to Carter (hereinafter, Carter). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Liang Does Not Anticipate Claims 1, 3-4, 6-8, 10-12, 15-17, 21-23, 25-26, 28-30, 32-35, and 39-40

The Applicant first turns to the rejection of claims 1, 3-4, 6-8, 10-12, 15-17, 21-23, 25-26, 28-30, 32-35, and 39-40 under 35 U.S.C. 102(e) as being anticipated by Liang. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Liang does not disclose or suggest at least the limitation of “assigning first and second priority indications to first and second wireless transceiver circuits, respectively, where each priority indication may be selected from a plurality of available priority indications,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

assigning first and second priority indications to first (Fig. 1 [104]) and second (Fig. 1 [106]) wireless transceiver circuits, respectively, where each priority indication may be selected from a plurality of available priority indications; (Page 2 [0020] "Arbitration is provided on a packet-by-packet basis, according to a predetermined scheme of assumptions and priorities based on the end-use application" and Page 3 [0024] "all non-voice priority may be given to function 104 such that function 106 can only access antenna when function 104 is inactive").

See the Office Action at page 3. Liang discloses, in ¶ 0020, that the arbitration function 118 simply uses a pre-determined scheme of assumptions and priorities based on the end-use application. **Liang, in ¶ 0020, does not disclose any assigning of first and second priority indications, which are selected from a plurality of available priority indications. In fact, Liang does not disclose a plurality of available priority indications.** The Applicant further refers the Examiner to ¶ 0024, where Liang provides additional details on the priority scheme used by the arbitrator function 118. **More specifically, Liang's priority scheme is not based on assigning priority indications selected from a plurality of indications.** Instead, Liang's priority scheme uses a fixed or dynamic bias factor that weights the access allotment process in a desired manner. See Liang at ¶ 0024. Liang's priority scheme may also use a contention scheme that provides for **weighting or bias in favor of one particular type of communication** or of one of the wireless telecommunication functions, which is

still a priority scheme that does not utilize assigning of priority indications selected from a plurality of priority indications.

Furthermore with regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Liang does not disclose or suggest at least the limitation of "detecting an application that is configured to receive or transmit data on the second wireless transceiver circuit ... and assigning a third priority indication to the second wireless transceiver circuit when the predetermined application is detected," as recited by the Applicant in independent claim 1.

The Office Action states the following in support:

detecting an application that is configured to receive or transmit data on the second wireless transceiver circuit; (Page 2 [0020] "Arbitration is provided on a packet-by-packet basis, according to a predetermined scheme of assumptions and priorities based on the end-use application" and Page 3 [0024] "in a number of embodiments, voice transmission and reception over Bluetooth is given priority over all other data traffic"); assigning a third priority indication to the second wireless transceiver circuit when the predetermined application is detected; (Page 3 [0024] "in a number of embodiments, voice transmission and reception over Bluetooth is given priority over all other data traffic")

See the Office Action at page 3. The Applicant points out that Liang, including ¶¶ 0020 and 0024, does not disclose or suggest that the device 102 performs any detection of an application that is configured for the second function 106. Furthermore, even if we assume for the sake of argument that Liang discloses the detection of a Bluetooth application, Liang is still silent and does not

disclose that a third priority indication is assigned to the detected Bluetooth application.

Furthermore with regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Liang does not disclose or suggest at least the limitation of "receiving or transmitting data on the second wireless transceiver circuit in accordance with a relative priority of the third priority indication to the first priority indication," as recited by the Applicant in independent claim 1.

The Office Action states the following in support:

receiving or transmitting data on the second wireless transceiver circuit in accordance with a relative priority of the third priority indication to the first priority indication. (Page 3 [0024] "in a number of embodiments, voice transmission and reception over Bluetooth is given priority over all other data traffic" and Page 4 [0030] "Bluetooth voice link takes precedence over other traffic types").

See the Office Action at pages 3-4. At the above citations, Liang discloses giving Bluetooth absolute priority for transmission over all traffic. However, Liang, including ¶¶ 0024 and 0030, does not disclose any determination of a relative priority of the third priority indication to the first priority indication. In addition, Liang is also silent as to receiving or transmitting data on the second (Bluetooth) wireless transceiver circuit in accordance with such relative priority of the third priority indication to the first priority indication, as recited in Applicant's claim 1.

Accordingly, independent claim 1 is not anticipated by Liang and is allowable. Independent claims 11, 21, and 33 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11, 21, and 33 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 3-4, 6-8, 10, 12, 15-17, 22-23, 25-26, 28-30, 32, 34-35, and 39-40

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, 21, and 33 under 35 U.S.C. § 102(e) as being anticipated by Liang has been overcome and requests that the rejection be withdrawn. Additionally, claims 3-4, 6-8, 10, 12, 15-17, 22-23, 25-26, 28-30, 32, 34-35, and 39-40 depend from independent claims 1, 11, 21, and 31, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3-4, 6-8, 10, 12, 15-17, 22-23, 25-26, 28-30, 32, 34-35, and 39-40.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

II. The Proposed Combination of Liang and Lane Does Not Render Claims 2, 13-14, 19-20, 24, and 36-37 Unpatentable

The Applicant now turns to the rejection of claims 2, 13-14, 19-20, 24, and 36-37 as being unpatentable over Liang in view of Lane.

A. The Proposed Combination of Liang and Lane Does Not Render Claim 19 Unpatentable

With regard to the rejection of independent claim 19 under 103(a), the Applicant submits that the combination of Liang and Lane does not disclose or suggest at least the limitation of “first means for sending or receiving a first wireless signal having **a first allocated priority**, comprising a first MAC layer module; and second means for sending or receiving a second wireless signal having **a second allocated priority**, comprising a second MAC layer module,” as recited by the Applicant in independent claim 19 (emphasis added).

The Office Action states:

first means for sending or receiving a first wireless signal having a first allocated priority; (Page 3 [0024] and Fig. 1 [104])" second means for sending or receiving a second wireless signal having a second allocated priority; (Page 3 [0024] and Fig. 1 [106])

See the Office Action at page 10. Liang discloses that the arbitration function 118 simply uses a pre-determined scheme of assumptions and priorities based on the end-use application. **Liang does not disclose any allocated first and second allocated priority.** The Applicant further refers the Examiner to ¶ 0024, where Liang provides additional details on the priority scheme used by the arbitrator function 118. **More specifically, Liang's priority scheme is not based on assigning priority indications.** Instead, Liang's priority scheme uses a fixed or dynamic bias factor that weights the access allotment process in a desired manner. See Liang at ¶ 0024. Liang's priority scheme may also use a contention scheme that provides for **weighting or bias in favor of one particular type of communication** or of one of the wireless telecommunication functions, which is still a priority scheme that does not utilize assigning of priority indications selected from a plurality of priority indications.

Furthermore with regard to the rejection of independent claim 19 under 103(a), the Applicant submits that the combination of Liang and Lane does not disclose or suggest at least the limitation of "means for adjusting the second allocated priority to be higher than the first allocated priority if real-time human interface device (HID) traffic is detected on the second means," as recited by the Applicant in independent claim 19. The Examiner is relying for support on ¶¶ 0004 and 0024. The Applicant points out that Liang, including ¶¶ 0004 and 0024, does not disclose that any adjusting is performed with regard to a second allocated

priority. In fact, Liang also does not disclose any detection of real-time human interface device (HID) traffic.

Lane does not overcome the above stated deficiencies of Liang.

Accordingly, the proposed combination of Liang and Lane does not render independent claim 19 unpatentable, and a *prima facie* case of obviousness has not been established. The Applicant submits that claim 19 is allowable.

B. Rejection of Dependent Claims 2, 13-14, 20, 24, and 36-37

Claims 2, 13-14, 20, 24, and 36-37 depend from independent claims 1, 11, 19, 21, and 33 and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 13-14, 20, 24, and 36-37.

III. Dependent Claims 5 and 27

Claims 5 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang. Claims 5 and 27 depend from independent claims 1 and 21, respectively, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above. The Applicant also reserves the

right to argue additional reasons beyond those set forth above to support the allowability of claims 5 and 27.

IV. The Proposed Combination of Liang and Michaelis Does Not Render Claims 9 and 31 Unpatentable

Since the additional cited reference (Michaelis) does not overcome the deficiencies of Liang, claims 9 and 31 depend from independent claims 1 and 21, and are, consequently, also respectfully submitted to be allowable at least for the reasons stated above. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 9 and 31.

V. The Proposed Combination of Liang and Carter Does Not Render Claims 18 and 41 Unpatentable

Since the additional cited reference (Carter) does not overcome the deficiencies of Liang, claims 18 and 41 depend from independent claims 11 and 33, and are, consequently, also respectfully submitted to be allowable. The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 18 and 41.

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-41 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 07-JAN-2008

/Ognyan I. Beremski/

Ognyan Beremski, Esq.
Registration No. 51,458
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.
500 WEST MADISON STREET, 34TH FLOOR
CHICAGO, ILLINOIS 60661
(312) 775-8000

/ OIB